

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 4, 13, 21, 23, 45, 50, 60, 63, and 68 are amended. Claims 25, 30-36, 46, and 76 are canceled without prejudice. New claims 79-88 are added. Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-75, and 77-88 are pending in this application.

Claims 30-36, which were previously withdrawn from consideration, are canceled without prejudice. Applicant reserves the right to pursue claims 30-36 in one or more continuation and/or divisional applications.

### **Restriction Requirement**

Applicant hereby affirms election of Group I (claims 1-6, 10, 13-21, 23-27, 29, 45-57, 59-61, 63-65, 68, 69, and 71-78).

### **Double Patenting**

Claims 1-6, 10, 13-21, 23-27, 29, 45-57, 59-61, 63-65, 68, 69, and 71-78 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of Misra et al. (U.S. Patent No. 6,189,146). Accompanying this Response is a terminal disclaimer in compliance with 37 CFR §1.321(c). Accordingly, Applicant respectfully submits that the double patenting rejection has been overcome, and respectfully requests that the double patenting rejection be withdrawn.

Applicant notes that in the June 25 Office Action, claims 50 and 63 are rejected only under the double patenting rejection. There is no art rejection of claims 50 and 63. As part of this Response, claims 50 and 63 have been rewritten in independent form. No additional elements have been added to claims 50 and 63, and no amendments to claims 50 and 63 have been made to overcome any rejection of claims 50 and 63. Accordingly, Applicant respectfully submits that claims 50 and 63 are now in condition for allowance.

#### **35 U.S.C. § 112**

Claims 13, 14, and 23 stand rejected under 35 U.S.C. §112, second paragraph. Claim 14 was rejected due to its dependency on a rejected base claim. As part of this response, claims 13 and 23 have been amended.

Applicant respectfully submits that claims 13, 14, and 23 comply with 35 U.S.C. §112, second paragraph, and respectfully requests that the §112 rejections be withdrawn.

#### **35 U.S.C. § 102**

Claims 1-6, 10, 13-21, 23, 26, 29, 45, 46, 48, 49, 51, 52, 55, 56, 59, 60, 61, 64, 65, and 68 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 5,671,412 to Christiano (hereinafter "Christiano"). Claim 46 has been canceled without prejudice, thereby rendering the rejection of claim 46 moot. Applicant respectfully submits

that claims 1-6, 10, 13-21, 23, 26, 29, 45, 48, 49, 51, 52, 55, 56, 59, 60, 61, 64, 65, and 68 are not anticipated by Christiano.

With respect to amended claim 1, amended claim 1 recites, in part:

- creating a license pack at a license generator, the license pack containing a set of one or more individual software licenses;

- signing the license pack with a digital signature of the license generator;

- associating an ID of the license pack with a license server;

- maintaining the association at the license generator;

- issuing the license pack to the license server;

- verifying, at the license server, the license generator's digital signature on the license pack; and

- distributing the software licenses contained in the license pack from the license server to corresponding clients.

Applicant respectfully submits that Christiano does not disclose or suggest associating an ID of a license pack with a license server and maintaining the association at the license generator as recited in amended claim 1. Applicant respectfully submits that nowhere in Christiano is there any discussion of maintaining such an association at a license generator as recited in amended claim 1.

Thus, for at least these reasons, Applicant respectfully submits that amended claim 1 is allowable over Christiano.

With respect to claims 2, 3, 5, 6, and 10, given that claims 2, 3, 5, 6, and 10 depend from amended claim 1, Applicant respectfully submits that claims 2, 3, 5, 6, and 10 are likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 1.

With respect to claim 4, claim 4 has been rewritten in independent form. No additional elements have been added to claim 4, and no

amendments to claim 4 have been made to overcome the rejection of claim 4.

Applicant respectfully submits that Christiano does not disclose or suggest encrypting the license generator and decrypting the license pack at the license server as recited in claim 4. The cited portion of Christiano discusses synthesizing a unique key for each component in a package when each component license is added to the internal database (see, col. 14, lines 21-23). This internal license database is part of the license server (see, col. 9, line 65 – col. 10, line 8). Thus, Christiano discloses the license server synthesizing the key for a component of a package, not a license generator encrypting a license pack and a license server decrypting the license pack as recited in claim 4.

Thus, for at least these reasons, Applicant respectfully submits that claim 4 is allowable over Christiano.

With respect to amended claim 13, amended claim 13 recites:

A computer-implemented method for distributing software licenses to clients so that the clients may legally execute underlying software to which the software licenses pertain, the computer-implemented method comprising electronically issuing the software licenses as digital certificates that are distributed in one-to-one correlation with individual clients and traced to an issuing authority, and issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client.

Applicant respectfully submits that Christiano does not disclose or suggest issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in amended claim 13.

Applicant respectfully submits that nowhere in Christiano is there any discussion of such a client executable image, much less of issuing a software license only if the stored and received client executable images match as recited in amended claim 13.

Thus, for at least these reasons, Applicant respectfully submits that amended claim 13 is allowable over Christiano.

With respect to claim 14, given that claim 14 depends from amended claim 13, Applicant respectfully submits that claim 14 is likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 13.

With respect to claim 15, in the June 25 Office Action, it was asserted that Christiano discloses the element of receiving a request for a software license from a particular license server of claim 15 at col. 6, lines 19-21 and col. 18, line 62 to col. 19, line 15 (see, June 25 Office Action at p. 9). Applicant respectfully disagrees with this assertion. The cited portion of Christiano discusses a process that checks if a license record is available for a requested product (see, col. 18, lines 62-64). This process elaborates on Fig. 8, in which a license request from a computer system is processed by the license server (see, col. 17, lines 55-57). Thus, the cited portion of Christiano discusses a license server processing the request, not a request received from a license server as recited in claim 15.

Furthermore, in the June 25 Office Action it was asserted that Christiano discloses the element of associating the license pack ID with the particular license server as recited in claim 15 at col. 10, lines 7-17 (see,

June 25 Office Action at p. 9). Applicant respectfully disagrees with this assertion. The cited portion of Christiano discusses initializing a license database (see, col. 10, lines 7-8). As part of this initializing, package descriptions and license items are read, and the read license descriptions and licenses are added to the license database for the license server (see, col. 10, line 8-17). Christiano also discloses that a package description can include a package name (see, Fig. 2b).

However, Applicant respectfully submits that the mere disclosure of a package name in a package description being stored on a license server does not disclose or suggest associating a license pack ID with a particular license server as recited in claim 15. Simply storing a package name in a database does not disclose or suggest any association between the server on which that package name is stored and the package name. Rather, it is simply storage. As such, Applicant respectfully submits that Christiano does not disclose or suggest associating a license pack ID with a particular license server as recited in claim 15.

Thus, for at least these reasons, Applicant respectfully submits that claim 15 is allowable over Christiano.

With respect to claims 16-20, given that claims 16-20 depend from claim 15, Applicant respectfully submits that claims 16-20 are likewise allowable over Christiano for at least the reasons discussed above with respect to claim 15.

With respect to amended claim 21, amended claim 21 has been amended to incorporate the elements of claim 25. Applicant notes that

claim 25 was rejected in the June 25 Office Action as being unpatentable over Christiano in view of U.S. Patent No. 6,233,567 to Cohen (hereinafter "Cohen"). In the June 25 Office Action, it was asserted that Cohen teaches the element of comparing the client software ID to the client images to evaluate whether the client is authentic at col. 4, lines 1-7 and 57-62, and col. 5, line 42 – col. 6, line 37 (see, June 25 Office Action at p. 17). Applicant respectfully disagrees with this assertion.

Applicant respectfully submits that Cohen does not disclose or suggest client images as recited in amended claim 21. It appears from the June 25 Office Action that the registration key of Cohen is being relied on as teaching the client images. Applicant respectfully disagrees with this assertion.

The registration key of Cohen is the one-way hashed value of the machine unique identifier U (see, col. 4, lines 1-5). The machine unique identifier U is a universal unique identifier (UUID) (see, col. 3, lines 26-31 and 52-54). These UUID's have a well defined layout and have preallocated portions for location information, time information, and user defined information (see, col. 3, lines 31-34).

Thus, this registration key of Cohen is simply a one-way hashed value of a UUID. A simple UUID, however, is not a client image. A client image is that – an image of a client. It is very different from a simple UUID. As such, Applicant respectfully submits that Cohen does not disclose or suggest client images, much less of maintaining a set of client

images or comparing the client software ID to the client images to evaluate whether the client is authentic as recited in amended claim 21.

Christiano is not cited as curing, and does not cure, these deficiencies of Cohen. As such, Applicant respectfully submits that neither Christiano nor the combination of Christiano and Cohen discloses or suggests the computer-implemented method of amended claim 21.

Thus, for at least these reasons, Applicant respectfully submits that amended claim 21 is allowable over the cited references.

With respect to claim 23, given that claim 23 depends from amended claim 21, Applicant respectfully submits that claim 23 is likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 21. Furthermore, Applicant respectfully submits that Christiano does not disclose or suggest a software license that contains an issue date that indicates a date on which the license is issued to the client, as recited in claim 23.

In the June 25 Office Action, it was asserted that “it is also inherent that the generation of a file on a client system (i.e. the issuance of a software license as taught by Christiano above) generates a directory listing including the creation date of the file” (see, June 25 Office Action at p. 11). Applicant respectfully submits that it is not inherent in Christiano for a software license to contain an issue date that indicates a date on which the license is issued to the client. Using the language of the June 25 Office Action, generating a directory listing including the creation date of a file is different from including the creation date in the file. Applicant respectfully



submits that merely generating a directory listing for a file, which is not part of the file, does not inherently teach including the creation date of the file in the file. Accordingly, Applicant respectfully submits that it is not inherent in Christiano for a software license to contain an issue date that indicates a date on which the license is issued to the client as recited in claim 23.

Thus, for at least these reasons, Applicant respectfully submits that claim 23 is allowable over the cited references.

With respect to claims 26 and 29, given that claims 26 and 29 depend from amended claim 21, Applicant respectfully submits that claims 26 and 29 are likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 21.

With respect to amended claim 45, amended claim 45 recites, in part:

wherein the license generator is further to assign a license pack ID to the license pack and keep an association of the license pack ID with the license server.

Applicant respectfully submits that Christiano does not disclose or suggest a license generator to assign a license pack ID to a license pack and keep an association of the license pack ID with the license server as recited in amended claim 45. Applicant respectfully submits that nowhere in Christiano is there any discussion of keeping such an association at a license generator as recited in amended claim 45.

Thus, for at least these reasons, Applicant respectfully submits that amended claim 45 is allowable over Christiano.

With respect to claims 48, 49, 51, and 52, given that claims 48, 49, 51, and 52 depend from amended claim 45, Applicant respectfully submits that claims 48, 49, 51, and 52 are likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 45.

With respect to claim 55, Applicant respectfully submits that, analogous to the discussion above regarding claim 15, Christiano does not disclose or suggest the license producer assigning a license pack ID to the license pack, and associating the license pack ID with the license server as recited in claim 55. Thus, for at least these reasons, Applicant respectfully submits that claim 55 is allowable over Christiano.

With respect to claim 56, given that claim 56 depends from claim 55, Applicant respectfully submits that claim 56 is likewise allowable over Christiano for at least the reasons discussed above with respect to claim 55.

With respect to claim 59, Applicant respectfully submits that, analogous to the discussion above regarding claim 15, Christiano does not disclose or suggest a code segment to associate the license pack ID with the particular license server as recited in claim 59. Thus, for at least these reasons, Applicant respectfully submits that claim 59 is allowable over Christiano.

With respect to amended claim 60, amended claim 60 recites, in part:

a client authenticating module to determine, based on a client image received from the client, whether the client is authentic and can receive a software license; and

Applicant respectfully submits that, analogous to the discussion above regarding amended claim 21, neither Christiano nor Cohen discloses or suggests a client image as recited in amended claim 60. Thus, for at least these reasons, Applicant respectfully submits that amended claim 60 is allowable over Christiano.

With respect to claims 61, 64, and 65, given that claims 61, 64, and 65 depend from amended claim 60, Applicant respectfully submits that claims 61, 64, and 65 are likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 60.

With respect to amended claim 68, amended claim 68 recites, in part:

a code segment, responsive to a request for a software license from a client, to determine, based on a client executable image received from the client, whether the client is authentic and can receive a software license

Applicant respectfully submits that, analogous to the discussion above regarding amended claim 21, neither Christiano nor Cohen discloses or suggests a client executable image as recited in amended claim 68. Thus, for at least these reasons, Applicant respectfully submits that amended claim 68 is allowable over Christiano.

With respect to claim 72, claim 72 recites, in part:

a license pack table to record information pertaining to one or more license packs, the license pack table being indexed by license pack IDs that identify corresponding individual license packs, each license pack containing one or more software licenses;

a client assignment table to record information pertaining to software licenses that are assigned to clients, the

client assignment table being indexed by license IDs that identify individual software licenses, the client assignment table further having the license pack IDs of the license packs from which the corresponding software licenses are issued; and

the license pack table and the client assignment table being correlated via the license pack IDs contained in each table.

Applicant respectfully submits that Christiano does not disclose or suggest a license pack table and a client assignment table being correlated via the license pack IDs contained in each table as recited in claim 72.

In the June 25, 2003, it was asserted that the license pack table indexed by license pack IDs of claim 72 was taught at col. 9, lines 35-36 and fig. 2b, reference 20 of Christiano, and further asserted that the license record is taught to contain the license pack ID (“key”) for cross-indexing purposes at col. 15, lines 30-32. Applicant respectfully disagrees with these assertions. These keys cited in Christiano are two different keys, and thus cannot be the license pack IDs of claim 72.

The key cited at col. 9, lines 35-36 and fig. 2b at reference 20 of Christiano is a key used to verify the package description (see, col. 9, lines 35-36). The key cited at col. 15, lines 30-32, however, is a key synthesized for a suite and placed in the license record (see, col. 15, lines 30-32). This key cited at col. 15, lines 30-32 is for a license record that is created for the suite and entered into the internal license database (see, col. 15, lines 10-13). Thus, it can be seen that these two keys of Christiano are two different keys, and thus cannot be the same license pack IDs contained in each table via which the license pack table and the client assignment table are correlated as recited in claim 72.

Thus, for at least these reasons, Applicant respectfully submits that claim 72 is allowable over Christiano.

With respect to claims 73 and 74, given that claims 73 and 74 depend from claim 72, Applicant respectfully submits that claims 73 and 74 are likewise allowable over Christiano for at least the reasons discussed above with respect to claim 72.

Accordingly, Applicant respectfully requests that the §102 rejections be withdrawn.

### **35 U.S.C. § 103**

Claims 54, 69, 71, and 76 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano. Claim 76 has been canceled without prejudice, thereby rendering the rejection of claim 76 moot. Applicant respectfully submits that claims 54, 69, and 71 are not obvious over Christiano.

With respect to claim 54, claim 54 depends from amended claim 45, and Applicant respectfully submits that claim 54 is allowable over Christiano for at least the reasons discussed above with respect to amended claim 45.

With respect to claim 69, claim 69 recites, in part:

a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed; and

Applicant respectfully submits that, analogous to the discussion above regarding amended claim 21, neither Christiano nor Cohen discloses or suggests a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 69. Thus, for at least these reasons, Applicant respectfully submits that claim 69 is allowable over Christiano.

With respect to claim 71, claim 71 recites, in part:

a code segment to compute a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed; and

Applicant respectfully submits that, analogous to the discussion above regarding amended claim 21, neither Christiano nor Cohen discloses or suggests a client image as recited in claim 71. Thus, for at least these reasons, Applicant respectfully submits that claim 71 is allowable over Christiano.

Claims 24, 25, 27, 47, 53, 57, 75, 77, and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano in view of U.S. Patent No. 6,233,567 to Cohen (hereinafter “Cohen”). Claim 25 has been canceled without prejudice, thereby rendering the rejection of claim 25 moot. Applicant respectfully submits that claims 24, 27, 47, 53, 57, 75, 77, and 78 are not obvious over Christiano in view of Cohen.

With respect to claims 24 and 27, claims 24 and 27 depend from amended claim 21. As discussed above, Applicant respectfully submits that amended claim 21 is allowable over Christiano in view of Cohen. Thus, Applicant respectfully submits that claims 24 and 27 are likewise allowable

over Christiano in view of Cohen for at least the reasons discussed above with respect to amended claim 21.

With respect to claims 47 and 53, claims 47 and 53 each depend from amended claim 45 and Applicant respectfully submits that claims 47 and 53 are likewise allowable over Christiano for at least the reasons discussed above with respect to amended claim 45. Furthermore, Applicant respectfully submits that Cohen is not cited as curing, and does not cure, the deficiencies of Christiano as discussed above with respect to amended claim 45. Thus, for at least these reasons, Applicant respectfully submits that claims 47 and 53 are allowable over Christiano in view of Cohen.

With respect to claim 57, claim 57 depends from claim 55 and Applicant respectfully submits that claim 57 is likewise allowable over Christiano for at least the reasons discussed above with respect to claim 55. Furthermore, Applicant respectfully submits that Cohen is not cited as curing, and does not cure, the deficiencies of Christiano as discussed above with respect to claim 55. Thus, for at least these reasons, Applicant respectfully submits that claim 57 is allowable over Christiano in view of Cohen.

With respect to claim 75, claim 75 depends from claim 72 and Applicant respectfully submits that claim 75 is likewise allowable over Christiano for at least the reasons discussed above with respect to claim 72. Furthermore, Applicant respectfully submits that Cohen is not cited as curing, and does not cure, the deficiencies of Christiano as discussed above with respect to claim 72. Thus, for at least these reasons, Applicant

respectfully submits that claim 75 is allowable over Christiano in view of Cohen.

With respect to claim 77, Applicant respectfully submits that, analogous to the discussion above regarding claim 23, Christiano does not disclose or suggest a license data structure comprising an issue date to hold a date on which the license is issued to the client as recited in claim 77. Furthermore, Applicant respectfully submits that Cohen is not cited as curing, and does not cure, the deficiencies of Christiano as discussed above with respect to claim 23. Thus, for at least these reasons, Applicant respectfully submits that claim 77 is allowable over Christiano in view of Cohen.

With respect to claim 78, claim 78 depends from claim 77, and Applicant respectfully submits that claim 78 is allowable over Christiano in view of Cohen for at least the reasons discussed above with respect to claim 77.

Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn.

### **New Claims**

New claims 79-88 are added.

With respect to new claim 79, Applicant respectfully submits that the cited references do not disclose or suggest a client computer, comprising: memory for storing information corresponding to one or more received software licenses; a license requestor to request a software license



from a license server; a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the challenge handler computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value; and wherein, upon authentication by the license server and granting of a software license, the license requestor receiving the software license from the license server saves in the memory information corresponding to the received license, as recited in new claim 79. Thus, for at least these reasons, Applicant respectfully submits that new claim 79 is allowable over the cited references.

With respect to new claim 80, Applicant respectfully submits that the cited references do not disclose or suggest the client computer of claim 79, wherein the memory comprises non-volatile memory, as recited in new claim 80. Thus, for at least these reasons, Applicant respectfully submits that new claim 80 is allowable over the cited references.

With respect to new claim 81, Applicant respectfully submits that the cited references do not disclose or suggest the client computer of claim 79, wherein the saved information corresponding to the received license comprises the received license, as recited in new claim 81. Thus, for at least these reasons, Applicant respectfully submits that new claim 81 is allowable over the cited references.

With respect to new claim 82, Applicant respectfully submits that the cited references do not disclose or suggest the client computer of claim 79, wherein the saved information corresponding to the received license comprises an indication that a specific license was granted, as recited in new claim 82. Thus, for at least these reasons, Applicant respectfully submits that new claim 82 is allowable over the cited references.

With respect to new claim 83, Applicant respectfully submits that the cited references do not disclose or suggest a computer-readable medium, having computer readable instructions for: requesting a software license from a license server; receiving an authenticity challenge from the license server; computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed; and receiving, upon authentication by the license server and granting of a software license, the software license from the license server and storing information corresponding to the software license in a memory, as recited in new claim 83. Thus, for at least these reasons, Applicant respectfully submits that new claim 83 is allowable over the cited references.

With respect to new claim 84, Applicant respectfully submits that the cited references do not disclose or suggest the computer-readable medium of claim 83, wherein the stored information corresponding to the received software license comprises the received software license, as recited in new claim 84. Thus, for at least these reasons, Applicant

respectfully submits that new claim 84 is allowable over the cited references.

With respect to new claim 85, Applicant respectfully submits that the cited references do not disclose or suggest the computer-readable medium of claim 83, wherein the stored information corresponding to the received software license comprises an indication that a specific license was granted, as recited in new claim 85. Thus, for at least these reasons, Applicant respectfully submits that new claim 85 is allowable over the cited references.

With respect to new claim 86, Applicant respectfully submits that the cited references do not disclose or suggest a client computer, comprising: means for storing information corresponding to one or more received software licenses; means for requesting a software license from a license server; means for handling an authenticity challenge from the license server, the means for handling computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the means for handling computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value; and wherein, upon authentication by the license server and granting of a software license, the means for requesting receiving the software license from the license server saves in the memory information corresponding to the received license, as recited in new claim 86. Thus, for at least these

reasons, Applicant respectfully submits that new claim 86 is allowable over the cited references.

With respect to new claim 87, Applicant respectfully submits that the cited references do not disclose or suggest the client computer of claim 86, wherein the saved information corresponding to the received license comprises the received license, as recited in new claim 87. Thus, for at least these reasons, Applicant respectfully submits that new claim 87 is allowable over the cited references.

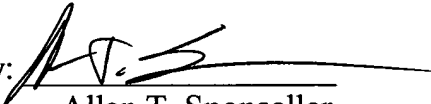
With respect to new claim 88, Applicant respectfully submits that the cited references do not disclose or suggest the client computer of claim 86, wherein the saved information corresponding to the received license comprises an indication that a specific license was granted, as recited in new claim 88. Thus, for at least these reasons, Applicant respectfully submits that new claim 88 is allowable over the cited references.

### Conclusion

Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-75, and 77-88 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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